

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**LUCKY B. KELLER,**

**Plaintiff,**

**v.**

**WESTLAKE FINANCIAL SERVICES,  
LLC, and PAUL KERWIN, CFO OF  
WESTLAKE FINANCIAL SERVICES,  
LLC,**

**Defendant.**

**Case No.: 24-CV-5042-MDH**

**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendants Westlake Services, LLC dba Westlake Financial Services<sup>1</sup> and Paul Kerwin (collectively, “Westlake”), pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, submit their Motion for Judgment on the Pleadings. Plaintiff’s Amended Complaint asserts federal question jurisdiction pursuant to 28 U.S.C. § 1331 based on Defendants’ alleged violation(s) of provisions of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* Even taking the allegations contained in Plaintiff’s Amended Complaint as true, Westlake is not a “debt collector” under FDCPA as defined by 15 U.S.C. § 1692a(6). The remaining claims do not show a basis in federal law as alleged by Plaintiff’s jurisdictional allegations. Thus, the Court lacks jurisdiction and Westlake is entitled to judgment on the pleadings.

WHEREFORE, based on the above and foregoing, and the arguments and authorities contained in the Suggestions in Support filed herewith, Westlake respectfully moves the Court to enter Judgment on the Pleadings in favor of Westlake and for all other relief the Court deems just.

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<sup>1</sup> Westlake is incorrectly named as “Westlake Financial Services, LLC.”

Respectfully submitted, this 27<sup>th</sup> day of November, 2024.

**KNIGHT NICASTRO MACKAY, LLC**

/s/ Phillip R. Raine

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**ATTORNEYS FOR DEFENDANTS**

**WESTLAKE SERVICES, LLC & PAUL**

**KERWIN**

**Certificate of Service**

I hereby certify on November 27<sup>th</sup>, 2024, the foregoing was electronically filed using the ECF filing system. Additionally, I certify that a copy of this motion was sent via electronic mail to the following addressee as identified on the summons:

Pro Se Litigant

Lucky Keller

[Kellerlucky2@gmail.com](mailto:Kellerlucky2@gmail.com)

/s/ Phillip R. Raine

Phillip R. Raine